

CITY OF KINGMAN
REGULAR MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street

6:00 P.M.

Minutes

Monday, May 3, 2010

Members:	Officers:	Visitors Signing In:
J. Salem, Mayor	C. Cooper, City Attorney	See attached list
J. Watson, Vice Mayor	J. Kramer, City Manager	
K. Deering	D. Francis, City Clerk	
R. Gordon	R. Foreman, Recording Secretary	
R. Lyons	G. Jeppson, Development Services Director	
K. Walker - Excused	R. Owen, Public Works Director	
C. Young	G. Henry, Engineer	
	R. DeVries, Police Chief	
	C. Osterman, Fire Chief	
	C. Loyd, Financial Services Director	
	J. Clos, Information Systems Director	
	T. Duranceau, P & Z Administrator	
	D. Richards, Budget Analyst	

REGULAR MEETING

CALL TO ORDER & ROLL CALL

Mayor Salem called the meeting to order at 6:00 p.m. and roll call was taken. All Council Members were present except for Councilmember Walker who was excused.

Mayor Salem stated that before the invocation was given he wanted to bring to everyone's attention that May 3rd is Arizona Peace Officers Memorial Day. Mayor Salem further stated that he would like to dedicate a few moments of silence in remembrance of those police officers that have fallen in the line of duty. Mayor Salem thanked everyone and stated that May 9th through the 15th is Arizona Peace Officers Memorial Week.

The Invocation was given by City Attorney Carl Cooper, after which the Pledge of Allegiance was said in unison.

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Work Session Meeting minutes of April 12, 2010 and the Regular Meeting minutes of April 19, 2010

Vice Mayor Watson stated that the Work Session Meeting minutes of April 12, 2010, have a few grammatical errors which she has spoken with staff about. Vice Mayor Watson further stated there wasn't anything of substance that was changed and if there aren't any objections from Council her MOTION is to APPROVE the Work Session Meeting minutes of April 12, 2010, with the grammatical corrections so noted with staff, and the Regular Meeting minutes of April 19, 2010, as written. Councilmember Deering SECONDED and they were APPROVED by a vote of 6 – 0.

2. **APPOINTMENTS**

Clean City Commission (CCC) Appointment Recommendation

At this time there is one vacancy on the Kingman CCC. This term expires on December 11, 2011. At the April 15, 2010 CCC meeting the commissioners reviewed one current Boards and Commissions application from Janice L. Palmer. Ms. Palmer lives within the city limits of Kingman. Ms. Palmer attended the CCC meeting and expressed her interest in serving on the commission. The commissioners voted unanimously to recommend the appointment of Ms. Palmer to the CCC. No other recommendations were made at this time. **Staff recommends approving the appointment of Janice L. Palmer to a term on the CCC ending in December 2011.**

Vice Mayor Watson made a MOTION to APPROVE the appointment of Janice L. Palmer to the Clean City Commission with the term to expire on December 11, 2011. Councilmember Gordon SECONDED and it was APPROVED by a vote of 6 – 0.

3. **CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

Robbi Gunter and Mary Smith, representing Hyperspace Internet Technologies, stated that they have put together a new project called the Kingman Merchants Mall which is a central information directory where residents and potential visitors can find out everything they need to know about businesses, services, and events in Kingman. This website www.kingmanmerchantsmall.com was built for this application and also provides a community calendar. There is no cost to utilize this web site.

4. **CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Application for Special Event Liquor License

Agent and applicant David Lorion of the Loyal Order of Moose has applied for a Special Event Liquor License for the Lodge Picnic to be held on June 6, 2010, from 7:00 a.m. to 4:00 p.m. at Cecil Davis Park in Kingman. **Staff recommends approval of the Special Event Liquor License for the Lodge Picnic.**

b. Resolution No. 4680 – Development Investment Fee Study (DIF) Deferment

The City Code requires a DIF fee study to be done no later than every 5 years. The

Arizona legislature passed legislation, section 28 of HB2008, which prohibits the Cities of Arizona from increasing their DIFs until June 30th, 2011. The City Council has directed staff to draft a resolution to postpone that requirement. **Staff recommends approval of Resolution No. 4680.**

c. Resolution No. 4679 – Water Service to Un-subdivided Parcel 310-21-061 for Lingenfelter Investments, ENG10-007

On April 22, 2010, the Municipal Utility Commission reviewed a request from Lingenfelter Investments for water service to an unsubdivided parcel identified as Tax Parcel 310-21-061. This parcel is located at Highway 66 and Long Mountain Road which is outside the City Limits but within the Water Service Boundary. This request is for water service for a commercial development on the 1.15 acre property.

Resolution No. 4679 grants water service to the subject parcel. The Commission voted 7-0 to recommend approval of water service to this property. **Staff recommends approval of Resolution No. 4679.**

d. Resolution No. 4678 – Water Service To Long Mountain Business Park, Tract 3834, ENG10-005

On April 22, 2010, the Municipal Utility Commission reviewed a request from Lingenfelter Investments for water service to a subdivision known as Long Mountain Business Park, Tract 3834. This subdivision is located west of Highway 66 and north of Thompson Avenue. It is outside the City Limits but within the Water Service Boundary. This subdivision will create up to 15 commercial lots from tax parcels 310-21-073, 310-34-084, 310-39-108 and 310-38-001. Final lot lines are determined at the time of development and the zoning requires that each lot be a minimum of 1 acre in size. The Municipal Utility Commission recommends approval of this request with the following conditions: (1) That site plans showing access and final lot lines be submitted to the City for each water meter request, and (2) that fire hydrants be located and installed at the time of development in accordance with the Kingman Fire Department and the Utility Regulations. Resolution No. 4678 grants water service to Long Mountain Business Park, Tract 3834 with the above noted conditions. The Commission voted 7-0 to recommend approval of water service to Long Mountain Business Park, Tract 3834 with the above noted conditions. **Staff recommends approval of Resolution No. 4678.**

e. Award of Bid for July 4th 2010 Fireworks and Fairgrounds Use Agreement

The Fire Department solicited vendors to propose a shell count and program sequence for the fireworks display for the budgeted amount of \$22,000. One vendor, Red Eye Fireworks, sent a letter to state that they would not be submitting a proposal for this year's program. Lantis Productions, the sole respondent to submit a proposal after our request for bids, submitted a quote for a program sequence that is appropriate for the show. They quoted three options and the fire department would recommend option C with a total shell count of 980 as the most well rounded option proposed. Lantis has a safe track record and has performed well for the City of Kingman over the last 12 years. The program proposal and contract are attached for your review. Appropriate insurance coverage as designated in the proposal will be provided by the vendor and approved by the City Risk Manager. The contract for this year was modeled after last year's contract which was reviewed and approved by the City Attorney. The show location will be the Mohave County Fairgrounds. The Mohave County Fair Association worked well with the fire department and vendor

staff to provide a safe and central location for events in the past. A facilities use agreement is required for use of the facility. **Staff recommends awarding the July 4th, 2010 fireworks show to Lantis Productions in the Amount of \$22,000 and authorizing the Mayor to sign the contract with Lantis Productions and authorize the Fire Chief to sign the Facilities Rental Agreement with the Mohave County Fair Association for use of the Fairgrounds.**

f. Fire Hydrant Maintenance Agreement with Northern Arizona Consolidated Fire District #1

The Kingman Fire Department has been providing hydrant maintenance for the fire hydrants located in the Northern Arizona Consolidated Fire District #1, on the City water system for some time for a set fee. The previous two year contract will expire on June 30, 2010. A copy of the proposed agreement for another two year term is attached. The agreement outlines a fee and payment schedule for the period of July 1, 2010 through June 30, 2012. The total fee for the first year is \$11,152 and \$11,264 for the second year. The intergovernmental agreement was drafted by joint efforts of the Kingman Fire Department staff and the City Attorney. **Staff recommends that Council approve the fire hydrant maintenance agreement with the Northern Arizona Consolidated Fire District #1.**

Mayor Salem stated that items 4b and 4f will be pulled from the Consent Agenda for further discussion.

Councilmember Deering made a MOTION to APPROVE the balance of the Consent Agenda. Councilmember Lyons SECONDED and it was APPROVED by a vote of 6 – 0.

(Resolution No. 4679)
(Resolution No. 4678)

Item 4b – City Attorney Carl Cooper stated that the Arizona legislature passed State House Bill No. 2978 to allow the extension of the deferment of the Development Investment Fee Study (DIF) from June 30, 2011 to June 30, 2012.

Mayor Salem stated that the recommendation is to approve Resolution No. 4680 and defer the DIF date to June 30, 2012.

Councilmember Deering made a MOTION to APPROVE Resolution No. 4680. Councilmember Lyons SECONDED and it was APPROVED by a vote of 6 – 0.

(Resolution No. 4680)

Item 4f – Fire Chief Chuck Osterman stated that the Fire Hydrant Maintenance Agreement between the city and the Northern Arizona Consolidated Fire District #1 is about to expired and the city has proposed the next two year term contract which outlines a 1% fee increase and payment schedule for the period of July 1, 2010 through June 30, 2012.

Councilmember Gordon asked Chief Osterman what the fee prices were based on. Chief Osterman stated that the formula was based on legal findings. Chief Osterman further stated that he does not have that formula with him but that he can provide that information to Council after the meeting.

Vice Mayor Watson asked how many fire hydrants are covered under the new contract with the Northern Arizona Consolidated Fire District #1. Chief Osterman stated 545.

Councilmember Gordon asked what is involved in the maintenance of fire hydrants. Chief Osterman stated that in addition to these 545 hydrants the city fire department has thousands of fire hydrants that are maintained by three employees that inspect each hydrant every six months, flush each one every year, flow each one every three years, lubricate at each inspection, and weed around them as needed.

Councilmember Gordon made a MOTION to APPROVE Item 4f. Vice Mayor Watson SECONDED and it was APPROVED by a vote of 6 – 0.

5. OLD BUSINESS

- a. **Public Hearing on Proposed Annexation 2010-001, proposed on 1,762.85 acres of land in Mohave County, Arizona, described as all of Section 1, and all of Section 12, and the Easterly 3,968 feet of Section 13, all located within Township 21 North, Range 16 West, of the Gila and Salt River Base and Meridian. The Property in Question is Generally Located North of Interstate Highway 40 and South of the Kingman Airport Property, Along the Alignment of Gordon Drive, Except for the Portion of BLM Section 13 lying South of I-40.**

The City of Kingman initiated a proposed annexation mostly north of I-40 in an area east of the proposed Rattlesnake Wash interchange. The property in question is generally located north of Interstate Highway 40 and south of the Kingman Airport property, along the alignment of Gordon Drive, except for the portion of BLM Section 13 lying south of I-40. At the current time the property is mostly undeveloped, except for a couple of houses in various states of construction, and some gravel operations. There are no water lines currently available for extensions, and the area is outside current pressure zones. There are no sewer lines currently serving the area either. The closest sewer line is about 1.5 miles away. Airway Avenue to the area is not improved. There is some illegal dumping occurring in this unincorporated area, but not to the extent of the area to the west. Currently fire service into the area would be from Station 4 on Eastern and Karen or via the Airway underpass. This public hearing is to hear any public or property owner comments on the proposal. Arizona Revised Statutes require a public hearing be held to hear comments and issues regarding a proposed annexation. After the public hearing is held, property owners in the area could sign a petition. In accordance with the law a blank petition was filed with the County Recorder, notices sent to the County and to all property owners of record, a notice was placed in the newspaper, and the area was posted in three places. After the Council public hearing, the City would have one year to collect signatures that represent 51% of the property owners in the area by number of owners and they must represent 51% of the valuation in the area. **Staff recommends that Council authorize the annexation effort go forward.**

Councilmember Deering stated that he would recuse from comments, discussion and/or voting on this item due to a conflict of interest.

Mayor Salem stated that he would also abstain from comments, discussion and/or voting on this item due to a conflict of interest.

Planning and Zoning Administrator Tom Duranceau stated that the Arizona Statutes state that a Public Hearing is needed after due notice is given in the area being proposed for annexation. All property owners of record in the Mohave County Assessor's office were sent letters, including Department of Land Management. In addition, the Mohave County Board of Supervisors was notified. Mr. Duranceau stated that his office did receive phone calls inquiring about the potential for water service in the area, commercial zoning potential costs of infrastructure and other general inquiries for items that would be necessary in the case of the proposed annexation. Mr. Duranceau stated that his office didn't receive written inquiries by the property owners that received the notices. Mr. Duranceau stated that the answers provided by his office were not guarantees for particular zoning or water services.

The Public Hearing was opened and after no comments was closed.

Councilmember Lyons made the MOTION to proceed with the next step towards annexation. Councilmember Young SECONDED and it was APPROVED by a vote of 4 – 0 with Mayor Salem and Councilmember Deering abstaining and one Council Member absent.

b. Resolution No. 4677 – Adoption of the Fiscal 2011 Tentative Budget

The Tentative Budget as presented includes changes recommended at the special budget work session April 12, 2010. Additional modifications made to the Tentative Budget tonight will be incorporated into the Final Budget scheduled to be adopted by the Council in two weeks, on May 17, 2010. The Tentative Budget sets a ceiling on appropriations. This essentially means the Final Budget adopted May 17, 2010 can meet but not exceed the amounts adopted with this resolution. The Tentative Budget is within the State Expenditure Limitation as modified by the Home Rule Option. The final budget document and capital improvements plan document will be prepared and distributed after adoption of the Final Budget. **Staff recommends Council adopt Resolution No. 4677 thereby adopting the City's Tentative Budget for fiscal year 2010-2011.**

Councilmember Young made a MOTION to APPROVE Resolution No. 4677. Councilmember Gordon SECONDED and it was APPROVED by a vote of 6 – 0.

(Resolution No. 4677)

c. Consideration of an Annexation Plan for the west side of Bank Street from Gordon Drive to Northern Avenue and Section 32, T 22 N, R16W, G&SR Meridian

The City Council asked staff to analyze the possible annexation of Section 32, Township 22 North, Range 16 West, of the Gila and Salt River Meridian, which is located north of Gordon Drive, east of Bank Street, south of Northern Avenue, and west of Castle Rock Road in Mohave County, Arizona, plus the properties bordering along the west side of Bank Street from Gordon Avenue to Northern Avenue. There are 33 property owners along the west side of Bank Street. In order to annex property, a municipality must secure the approval of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the city or town in the event of annexation, as shown by the last assessment of the property. There are 25 separate

property owners, some in joint tenancy, which total 33 property owners in the area considered for annexation. **Staff recommends that Council does not annex Section 32 and the west side of Bank Street from Gordon Drive to Northern Avenue.**

Development Services Director Gary Jeppson stated that the city sent out a survey form to all of the property owners in the proposed annexation area and received back a total of eight surveys out of twenty-two. Of the eight surveys received, five of the surveys indicated they do not want to be annexed into the city limits and the other three surveys indicated they do want to be annexed into the city limits. Mr. Jeppson stated that about 20% of those evaluated on the west side of Bank Street do not want to be annexed and only 5% would like to be annexed. Mr. Jeppson stated that section 32 is all publicly owned. The high school, La Senita elementary school and the city own ten acres in the southeast corner of section 32 with the rest of this land owned by the state. Mr. Jeppson further stated that if Council chooses to only annex section 32 the cost would be \$183,000 per year to provide services to this area. If the Council annexes the west side of Bank Street maintenance of Bank Street would have to be included at a cost of \$283,000. Mr. Jeppson stated that staff believes the sales tax revenue for the west side of Bank Street would be less than \$10,000 per year. Mr. Jeppson stated that from a revenue and expenditure standpoint staff believes this would be a great expense to the city.

Vice Mayor Watson stated that she is opposed to this annexation at this time due to the economy. She went on to say the city can't financially afford the service costs to maintain the schools in this area. Vice Mayor Watson further stated that the city has a partnership with the Northern Arizona Consolidated Fire District (NACFD) and their district covers this area.

Councilmember Lyons stated that he wished everyone in the city could have the information the Council is provided with, including information on the neighboring fire districts, so they could be more informed and know all of the pros and cons of an annexation. Councilmember Lyons stated that this annexation would cut into the NACFD tax revenues. Councilmember Lyons stated that he is in favor of the annexation but can't support it at this time.

City Manager Jack Kramer stated that this information is on the city's website for those who have access.

Councilmember Lyons stated that the conflict of interest between the city and other fire districts is not available information on the city's website. Mr. Kramer stated that is correct due to the numerous Inter-Governmental Agreements (IGA).

Mayor Salem stated that each IGA is accompanied by a resolution number that could be put on the website as well. Mr. Kramer agreed.

Mayor Salem stated that an economic upturn needs to take place before the city can consider this annexation. He went on to state his recommendation is to deny this annexation at this time.

Councilmember Gordon stated that she feels strongly that Council needs to come up with some kind of a plan and even though there are several obstacles she does not think

they are insurmountable. Councilmember Gordon stated that Council will need to deal with this issue someday and if it had already been addressed instead of being put off over the years Council would not have all of these hurdles to go through today. Councilmember Gordon stated that Council needs to address the issues with the Fire District and Waste Management and ascertain from the residents of these areas whether or not they are interested in being annexed. Councilmember Gordon further stated that sending out a survey is not enough.

Councilmember Deering stated that this issue has been looked at by past Councils and has been going on for years. Councilmember Deering stated that the people have voted down annexation into the city limits and it is an unfair statement that Council has never looked at this issue.

Vice Mayor Watson stated that she received several phone calls about this issue and the message was to not annex this area into the city limits.

Councilmember Young stated that one way to overcome the fire district obstacle is to create another fire district; however they would have to make a commitment to pay additional taxes for that fire district. Councilmember Young further stated that the county would probably not want to do that.

Councilmember Deering made a MOTION to DENY moving forward with the Annexation of the west side of Bank Street from Gordon Drive to Northern Avenue and Section 32. Vice Mayor Watson SECONDED and it was DENIED by a vote of 5 – 1 with Councilmember Gordon voting Nay.

6. **NEW BUSINESS**

Resolution No. 4676 – Setting the Time and Place for the Mayor and Council to Conduct a Public Hearing for Approval of the Assessments, Construction and Proceedings of the Kingman Airport Tract/Banks Airport Addition Improvement District

Resolution 4676 establishes June 21, 2010 as the date for the Mayor and Council to conduct a public hearing on the assessments, construction and proceedings in regard to the Kingman Airport Tract/Banks Airport. This improvement district includes assessments for the improvement of portions of the general area between Airway and Kino, from Lomita to Roosevelt for the purpose of constructing paved streets, concrete curbs, gutters and sidewalks; valley gutters and aprons; water mains and service lines; and sewer mains and service lines together with all necessary adjuncts and appurtenances in and to those lots within the District boundary which do not currently have such improvements; and the installation of conduits for future utility services for telephone, cable, electric and gas collectively, as initiated by Resolution No. 4401R adopted by the Mayor and Council on February 20, 2007. **Staff recommends Council approve Resolution 4676 setting June 21, 2010 at 6:00 p.m. in the City Council Chambers, 310 N. 4th Street, Kingman, Arizona as the time and place for the public hearing on the final assessments and proceedings of the Kingman Airport Tract/Banks Airport Addition Improvement District.**

With no discussion, Councilmember Lyons made a MOTION to APPROVE Resolution No. 4676. Vice Mayor Watson SECONDED and it was APPROVED by a vote of 6 – 0.

(Resolution No. 4676)

7. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

City Manager Jack Kramer stated on May 7, 2010, at 10:30 a.m., Speaker Adams will be attending the Tri-City Council Special Meeting here in the Council Chambers.

Councilmember Gordon stated that Saturday, May 8, 2010, at 6:00 p.m. the Kingman Boys and Girls Club is hosting bingo. This event is open to the public and is for adults and kids.

Councilmember Gordon stated she wants to remind everyone that Sunday, May 9, 2010 is Mother's Day.

Councilmember Gordon stated that the 32nd Annual Festival of the Arts is May 8th and 9th, 2010. This year the festival will be located at Mohave Community College off of Jagerson.

Councilmember Young stated that the Business Marketing Work Shop that was held April 20, 2010 at the Powerhouse was a great success. There were 23 booths and 85 business people who attended. 40 of the business people participated in the networking work shop. Councilmember Young further stated that the tentative budget for this event was \$20,000 and all of the money was donated by local businesses and was sponsored by the Kingman Daily Miner, Frontier Communications, and Monica Busch Investments provided lunch.

Mayor Watson stated that the Economic Development Marketing Commission did a great job with the Business Marketing Work Shop.

Vice Mayor Watson stated that this past Saturday at the fairgrounds the City of Kingman and Mohave County had a joint venture, along with the Arizona Youth Partnership in which they collected hazard materials as well as yard debris from area citizens. Vice Mayor Watson stated that the Arizona Youth Partnership collect 20 pounds of prescription drugs for the "Dump the Drugs" program.

Vice Mayor Watson stated that the Fun Run was also last weekend and she thanked everyone who was involved with putting on this successful event.

Vice Mayor Watson stated that the Sunday paper had an article about the Elks Lodge honoring three city staff members at their awards banquet on April 27, 2010 for their public service to our community. They were Keith Adams, retired Recreation Coordinator, Fire Captain Bob Casson who was the Firefighter of the Year, and Fire Chaplin Dave Patriquin who is part of the Honor Guard.

Vice Mayor Watson stated that the Arbor Day Poster Contest for the State of Arizona was won by Kingman's own Maverick San Antonio.

Vice Mayor Watson reminded everyone of First Friday this Friday, May 7th, in downtown Kingman on Beale Street.

Mayor Salem stated that Don's Office Products also played a part in last week's Business Marketing Work Shop and deserves recognition. He stated that the Work Shop was a great success.

Mayor Salem stated that he wants to thank all of the people who worked the past twelve Wednesdays at Cerbat Lanes and were able to fill 800 job positions through this event.

Mayor Salem stated that he would like to recognize Sergeant Christie Francis who is in

attendance tonight and is City Clerk Deborah Francis's daughter. Sergeant Francis is being deployed soon for Afghanistan with the 31st Combat Support Hospital. Mayor Salem thanked Sergeant Francis for being here tonight and for her service to our country.

Councilmember Deering made a MOTION to ADJOURN. Councilmember Lyons SECONDED and it was APPROVED by a vote of 6 – 0.

ADJOURNMENT 6:53 p.m.

ATTEST:

APPROVED:

Debbie Francis
City Clerk

John Salem
Mayor

STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Robin Foreman, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on May 3, 2010

Dated this 10th Day of May 2010

Robin Foreman, Recording Secretary